

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DANIELLE TAYLOR,

Plaintiff,

v.

BARBARA ANN KELLER, *et al.*,

Defendants.

Case No. 3:15-cv-00594-MMD-VPC

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
VALERIE P. COOK

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 5) ("R&R"), recommending that the complaint be dismissed with prejudice. Plaintiff had until June 3, 2016 to object. (ECF No. 5.) To date, no objection to the R&R has been filed.<sup>1</sup>

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See

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<sup>1</sup>The R&R (ECF No. 5) that was mailed to Plaintiff was returned as undeliverable. (ECF No. 6.)

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
2 of review employed by the district court when reviewing a report and recommendation to  
3 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
5 view that district courts are not required to review "any issue that is not the subject of an  
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
9 which no objection was filed).


10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
11 determine whether to adopt Magistrate Judge Cooke's R&R. The R&R recommends that  
12 this action be dismissed with prejudice based upon Plaintiff's failure to file an amended  
13 complaint that remedies the defects identified in the Court's order. After reviewing the  
14 R&R and the records in this case, the Court agrees with the Magistrate Judge's  
15 recommendation.

16 It is therefore ordered, adjudged and decreed that the Report and  
17 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No.5) is accepted and  
18 adopted in its entirety.

19 It is ordered that the complaint (ECF No. 4) is dismissed with prejudice.

20 It is further ordered that the Clerk close this case.

21 DATED THIS 26<sup>th</sup> day of July 2016.

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24 MIRANDA M. DU  
25 UNITED STATES DISTRICT JUDGE  
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